IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 12796 of 2005

Between:

Smt. P. Syamala Kumari, D/o. W/o. Thanisha,
O/o. ST Joseph Boys Elementary School, (Aided) Church Compound, Nellore.

..... PETITIONER

AND

1 The District Educational Officer, Nellore, Nellore District.
2 The Commissioner and Director of School Education, A.P., Hyderabad.
3 The Correspondent, RCM Elementary School,
Bishops House Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring that the petitioner is eligible and entitled for the arrears of grant in aid salary by strictly implementing G.O.Ms.No.344 Education Department dated 22-7-1985, read with recommendations of 1st respondent in his Proc dt. 24-6-1989, by holding the action of the respondents in not releasing and paying the petitioner's due arrears of grant in aid salary without any valid or justification and further not considering petitioners representation dt. 30.03.2005 is as illegal, arbitrary, discriminatory and opposed to all principles of equity and justice and fair play.

Counsel for the Petitioner: MR.CH.JAGANNADHA RAO

Counsel for the Respondents: GP FOR EDUCATION

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner seeking a writ of Mandamus declaring that the petitioner is eligible and entitled for arrears of grant-in-aid salary in terms of G.O.Ms.No.344, Education (SSE) Department, dated 22.07.1985, read with the recommendations of the first respondent, the District Educational Officer, vide proceedings dated 24.06.1989, which were forwarded to the second respondent for releasing and paying the arrears of grant-in-aid salary to which the petitioner is entitled and also declaring the inaction of the second respondent in passing any orders as illegal and arbitrary.

According to the petitioner, she was appointed as a Secondary Grade Teacher on 09.01.1985 by the third respondent school and subsequently she was absorbed into a grant-in-aid post from 01.11.1989 as per the Government Orders in G.O.Ms.No.178 dated 20.03.1990. It is, however, stated that the petitioner was not paid any salary from 01.06.1985. Therefore, she made representations relying upon the proceedings issued by the Government in G.O.Ms.No.344 and also the proceedings of the District Educational Officer, the first respondent herein, dated 24.06.1989, wherein a communication was forwarded to the second respondent for sanction of grant-in-aid salary to the petitioner from 01.06.1985 as per the judgment of this

Court in W.P.No.2752 of 1988. It is the grievance of the petitioner that the second respondent did not pass any orders in spite of repeated representations. The latest representation was made on 30.03.2005. Hence, the present writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Education appearing for the respondents.

In view of the pendency of the proceedings for consideration by the second respondent, he is directed to dispose of the representation of the petitioner in the light of the GOs referred to earlier as well as the proceedings of the first respondent dated 24.06.1989, which were forwarded to him, expeditiously, preferably within a period of eight weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

16.06.2005

VGB

To

1 The District Educational Officer, Nellore, Nellore District.
2 The Commissioner and Director of School Education, A.P., Hyderabad.
3 The Correspondent, RCM Elementary School,
Bishops House Nellore District.

4 2CCs to the Government Pleader for School Education, High Court

Buildings, Hyderabad (OUT)

5 2CD copies.